

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15810 of 1994

Between:

Andhra Pradesh Dalit Maha Sabha Legal Cell rep. by
its Convenor, A.Y. Prabhudas, 5-137, Mylarnagar,
Mangalagiri, Guntur District, PIN: 522 503, A.P.

..... PETITIONER

AND

1. The State of A.P. rep. by its Principal Secretary for Social Welfare Dept., Secretariat, Hyderabad.
2. The District Collector Guntur Dist., Guntur, A.P.
3. Jonnakuti Babu Rao, S/o Subba Rao
4. Pallam Venkateswarlu, S/o Maraiah
5. Darla Pitchaiah, S/o Venkataswamy
6. Jonnakuti Raghavaiah, S/o Venkaiah
7. Pallam Maraiah, S/o Gunamanthu
8. Darla Venkateswara Rao, S/o Pitchaiah
9. Jonnakuti Ramulu, S/o Venkaiah
10. Jonnakuti Subba Rao, S/o Raghavaiah
11. Jonnakuti Bose, S/o Adiah
12. Jonnakuti Narayana, S/o Adaiah
13. Jonnakuti Venkateswara Rao, S/o Raghavaiah
14. Yedla Sambaiah, S/o Raghavaiah
15. Korukonda Narayanadas, S/o Narsa Das
16. Meka Kanthamma, W/o.
17. Yedla Venkateswara Rao, S/o Sambaiah
18. Darla Manikyam, W/o Venkataswamy
19. J. Deva Das, S/o Adiah

20. J. Rajamma, W/o Adiah
21. Yadla Subba Rao, S/o Kotaiah
22. Yadla Kotaiah, S/o Tikkaiah
23. J. Narayana, S/o Kotaiah
24. J. Lakshmi, W/o Narayana
25. J. Subba Rao, S/o Raghavulu
26. Korukonda Nallaiah, S/o Narasa Das
27. J. Gopaiah, S/o Kotaiah
28. Korukonda Raja, S/o Subba Das
29. Kaki Tirupatamma, W/o Pethuru
30. J. Surya Rao, S/o Ramaswamy
31. J. Surya Prakash Rao, S/o Tirupataiah
32. Jangam Rajendra Prasad, S/o Syamulu

(Respondent Nos.3 to 32 are impleaded as per Court Order, dated 28-1-1995 in W.P.M.P. No.23025 of 1994)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction, particularly one in the nature of Writ of Mandamus, directing the respondents herein to make an enquiry about the eligibility of the persons shown in Annexure-A for assignment of House sites in Survey No.202 of Lingayapalem Village, Thulluru Mandalam, Guntur District and to assign the same in their favour after calling for the records.

For the Petitioner: MR.PRATTIPATI VENKATESHWARLU, Advocate

For the Respondent Nos.1&2: GP FOR ASSIGNMENT

**For the Respondent Nos.3 to 32: Mr. V. Brahmaiah Chowdary,
Advocate**

The Court made the following :

ORDER:

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In this writ petition, the petitioner viz., Andhra Pradesh Dalit Maha Sabha Legal Cell (for short “the Maha Sabha”), seeks a direction to respondents 1 and 2 herein to assign house sites in survey No.202 of Lingayapalem village, Thulluru Mandalam of Guntur District (for short “the land in question”) in favour of the persons shown in Annexure-A enclosed to this petition, by making necessary enquiry in respect of their eligibility for the assignment.

It is submitted that the persons shown in Annexure-A are members of the Maha Sabha and are landless poor and agricultural labourers. They used to reside in Uddandarayunipalem Island in the Krishna River. Since they are facing lot of difficulties to reside there and in order to safe guard their lives from frequent floods of the Krishna river, they shifted their families to the land in question, and constructed huts thereon and have been residing there. Being landless poor, they submitted a representation dated 6-5-1994 requesting the second respondent to assign the land in question for house sites in their favour. But the second respondent has not taken any action in the matter. While so, on 1-9-1994 the Mandal Revenue Officer of Thulluru Mandal along with revenue officials came to the land in question and threatened to demolish their houses. Hence, the writ petition.

The respondents 1 and 2 filed counter affidavit. It is stated that the land in question admeasuring Ac.2-82 cents, which is under the encroachment of members of the petitioner, is classified as patta land belonging to village ryots. The villagers of

Lingayapalem, where the land in question is situate, strongly opposed the encroachment made by the members of the petitioner, and ultimately disputes arose between them which led to filing of criminal cases by the police. Under those circumstances, the members of the petitioner shifted back to Uddandarayunipalem lanka lands. It is submitted that at present the members of the petitioner were assigned agriculture lands in Uddandarayunipalem village and the Government has also granted 16 pucca houses under Indira Awaz Yojana and constructed an elementary school building with all amenities. Thus, the official respondents pray to dismiss the petition.

Heard the leaned counsel for the petitioner and the learned Government Pleader for Assignment.

Having regard to the averments made in the counter-affidavit filed by the official respondents, stating that the members of the petitioner were assigned agriculture lands and the Government also granted 16 pucca houses under Indira Awaz Yojana and constructed an elementary school building with all amenities, no orders are necessary in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 10-09-2004

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To

1. The Principal Secretary to Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad.
2. The District Collector Guntur District, Guntur, A.P.
3. Two CCs. to the Government Pleader for Assignment, High Court Buildings, A.P., Hyderabad (OUT).
4. Two CD copies.